

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	04-10617-DPW
)	
RICHARD DAY CONSTRUCTION,)	
)	
Defendant.)	

UNITED STATES' MOTION FOR DEFAULT JUDGMENT

Pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, the plaintiff, United States of America, moves this Court to enter judgment by default against the defendant, Richard Day Construction, for failing to plead to, or otherwise defend, the complaint for the above captioned action.

In support, the United States says:

1. According to our office records, Richard Day Construction is indebted to the United States for the principal amount of \$9,971.50; plus \$3,953.89 accrued interest at the rate of 5 percent; plus costs. The total balance as of June 14, 2004 was \$17,231.84.
2. The submitted affidavit of Nancy M. Rojas, Paralegal for the United States Attorney's Office Financial Litigation Unit, Boston, Massachusetts, establishes that the United States is entitled to recover judgment on default.

WHEREFORE, the United States requests this Court to enter a default judgment against Richard Day Construction in the sum of \$17,231.84; plus interest from the date of judgment at the legal rate of 1.92 percent, computed daily and compounded annually until paid in full; plus costs for this action, including a \$150.00 filing fee pursuant to 28 U.S.C. § 2412(a)(2).

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

By: /S/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3303

Dated: June 16, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this day, June 16, 2004, I served a copy of the foregoing by mailing to Richard Day Construction at 72 I Street, Bradford, MA 01835.

/S/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney

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JUDGMENT BY DEFAULT

The defendant, Richard Day Construction, having failed to plead or otherwise defend in this action and its default having been entered,

Now, upon application of the plaintiff and affidavits demonstrating that the defendant owes the plaintiff the sum of \$17,231.84; that defendant is not an infant or incompetent person or in the military service of the United States, and that plaintiff has incurred costs including a \$150.00 filing fee pursuant to 28 U.S.C. § 1914, it is hereby

ORDERED, ADJUDGED, AND DECREED that the plaintiff, United States of America, recover from the defendant, Richard Day Construction, the sum of \$17,231.84; plus interest from the date of judgment at the legal rate of 1.92 percent, computed daily and compounded annually until paid in full; including a \$150.00 filing fee pursuant to 28 U.S.C. § 1914.

Tony Anastas
Clerk, United States District Court

By:

Deputy Clerk

Dated: